

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY)	
AVERAGE WHOLESALE PRICE)	MDL No. 1456
LITIGATION)	
_____)	CIVIL ACTION: 01-CV-12257-PBS
THIS DOCUMENT RELATES TO:)	
)	Judge Patti B. Saris
ALL ACTIONS)	
_____)	

PLAINTIFFS' UNOPPOSED MOTION FOR LEAVE TO FILE UNDER SEAL

Plaintiffs, by their attorneys, respectfully move this Court for leave to file under seal the following pleadings and other materials: (1) Declaration of John A. Macoretta, Esquire in Support of Plaintiffs' Motion to Unseal all Confidential or Highly Confidential Designated Documents Used in Summary Judgment Proceedings, with attached Exhibits.

The foregoing items include copies of documents and/or excerpts from documents, including depositions, that certain defendants have identified as "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL" pursuant to the terms of the December 13, 2002 Protective Order.

Paragraph 15 of the Protective Order mandates that any document or pleading containing material such as that referenced above be filed under seal. Plaintiffs hereby seek to comply with the terms of the Protective Order.

The Track 1 Defendants do not oppose this motion.

While plaintiffs seek to file the above-listed items under seal in order to comply with the Protective Order, plaintiffs believe that much if not all of the material that defendants have

designated or likely deem to be “CONFIDENTIAL” or HIGHLY CONFIDENTIAL is not truly confidential or highly confidential. The Macoretta Declaration at issue supports the Plaintiffs’ motion to unseal all defense documents cited in connection with summary judgment.

WHEREFORE, Plaintiffs respectfully request that this Court grant them leave to file the foregoing listed materials under seal.

DATED: May 19, 2006

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